

Town of Westford

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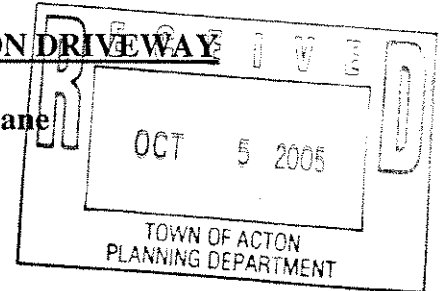
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Office of the Planning Board

CERTIFICATE OF APPROVAL OF A COMMON DRIVEWAY

SPECIAL PERMIT: PB05004-SP

Woodlands @ Laurel Hill – Durkee Lane
Town of Westford



September 07, 2005

Town Clerk
Town of Westford, Massachusetts

DECISION

It is hereby certified by the Planning Board of the Town of Westford, Massachusetts (hereinafter together with any entity succeeding the powers of said Planning Board, referred to as the Board) that at a duly called and properly posted meeting of said Board held on September 6, 2005 it was voted 5-0-0 to APPROVE the Special Permit Application of Recreational Realty Trust, LLC. The APPROVED plans are entitled "Road and Utility Improvement Plan in Acton & Westford, MASS" & "Common Driveway Plan for Land in Westford, MASS" both prepared by Places Site Consultants dated April 2005, revised through August 11, 2005 consisting of 8 sheets and 7 sheets respectively.

This decision is in response to an application for approval (to be referred to hereinafter as the Application) of a Special Permit submitted to the Board on April 14, 2005.

Said APPROVAL is granted in accordance with the requirements of §3.2.3.3 of the Zoning Bylaw and §218-13.A(5) Common driveways of the Subdivision Rules and Regulations, for a common driveway to service three existing single family homes and three new structures (two new single family homes and a Waste Water Treatment Plant) and is subject to the following conditions and waivers:

IDENTIFICATION OF PROJECT:

PROJECT NAME:	Woodlands at Laurel Hill – Durkee Lane
APPLICANT:	Recreational Realty Trust, LLC 676 Elm Street, Suite 300 Concord, MA 01801
CIVIL ENGINEER:	Places Site Consultants 694 Main Street, Suite 3 Holden, MA 01520-1862
PLAN DATED:	Road and Utility Improvement Plan in Acton & Westford, MASS April 2005 revised through August 11, 2005 consisting of 8 sheets

	Common Driveway Plan for Land in Westford, MASS April 2005 revised through August 11, 2005 consisting of 7 sheets
LOCATION:	Contiguous lots at the end of Durkee Lane
ASSESSOR'S MAP:	Map 2, Parcels 12, 17, 18, 19, 20, & 21

Growth Management

Two of the newly created lots will be subject to the Growth Management Bylaw. The Applicant shall cause an application to be made in accordance with Section 6.3- Growth Management of the Town of Westford Zoning Bylaw prior to the issuance of any building permits for this site.

Waivers:

The Planning Board voted 5-0-0 to APPROVE the following waiver request as requested under the Subdivision Rules and Regulations of the Town of Westford, Massachusetts:

§218-12.C.(4) – To provide above ground utilities.

§218-13.A.(1) – To not provide a sidewalk.

§218-11.B.(1) – To not provide true north point.

§218-13.B.(4) – To allow a maximum open drainage system slope of up to 9%

§218-13.B.(6) – To allow the offset from the top inside of a detention basin to the property line of less than the mandated 30' feet.

General Conditions:

- 1) Per §218-13.A.(5)(a) The special permit approval shall be subject to a covenant between the developer and the Planning Board recorded in the Registry of Deeds and running with the land, prohibiting the occupancy of buildings constructed upon the lots served by the common driveway until such time as the common driveway has been installed, or completion has been secured pursuant to the provisions of G.L. Ch. 41, Sec. 81U, and the Planning Board rules and regulations. The special permit shall also be subject to a covenant by and between the developer and the Planning Board recorded in the chain of title and running with the land, on a form approved by the Planning Board, acknowledging that the common driveway special permit was granted in consideration of the conditions contained within the special permit and the grant of covenant, and that the common driveway is a private driveway that happens to serve more than one (1) lot, and the developer, his heirs, executors, successors and assigns, agree that the common driveway shall never be submitted to Town Meeting for a vote to have it become an accepted street. The developer shall submit evidence of such recording to the Planning Board.
- 2) Per §218-13.A.(5)(b) The approval shall also be subject to a document of restrictive covenants and easements binding present and future owners of the lots for responsibility for maintenance and repair of the common driveway, which shall also be recorded in the Registry of Deeds, and shall submit evidence of such recording to the Planning Board.
- 3) Within 30 days after the endorsement of the Common Driveway Easement Plan, the Applicant shall obtain and deliver to the Board or its Clerk, four prints of said Plan as so completed for the Board's files and for subsequent distribution to appropriate town agencies and one copy on Mylar of the layout plans and profiles of the proposed street for the files of the Engineering Department. The Applicant shall thereafter provide Planning Board with the recording information of said plans.
- 4) The Applicant shall submit all drawings (Common Drive Easement plans and As Built Plans) in the appropriate Auto CAD format to the Town Engineer and Planning Department.
- 5) In the absence of any details or waivers set forth herein, the current Subdivision Rules and Regulations of the Planning Board shall govern and become an integral part of this decision. All construction details not

specifically shown on the approved plan shall conform to the specifications and requirements of the subdivision rules and regulations in effect at the time.

- 6) In general, the cutting of trees, removal of vegetation shall be kept to a minimum in the construction and development of the Subdivision. All large trees 6" or greater in caliper bordering the proposed roadway and on the site shall be retained and not disturbed or destroyed during construction of the subdivision except for those trees which must be removed for the construction of the proposed way, driveways and used accessory thereto.
- 7) The Applicant acknowledges that this approval is subject to completion of all necessary filings and any order of conditions issued for this project by the Town of Westford Conservation Commission. In addition, if any of the approved site features are amended by the Conservation Commission in a way that would require an amendment, then the Applicant shall submit these changes to the Planning Board for their review and approval.
- 8) The Applicant acknowledges that this approval is subject to completion and approval of all necessary filings with the Town of Westford Board of Health. In addition, if any of the approved site features are amended by the Board of Health in a way that would require an amendment, then the Applicant shall submit these changes to the Planning Board for their review and approval.
- 9) Recorded copies of all required legal documents (e.g. covenants, easements, etc.) shall be submitted to the Town Planner, for review and approval, prior to the release of any lots within the subdivision.
- 10) The Applicant shall provide the Planning Department with a full size, reduced, and DWG digital copy of the final set of approved recorded plans prior to the issuance of a building permit.
- 11) All setback areas shall remain clear and open.
- 12) All lighting on site shall provide security for the residences however it must not create any glare or project any light onto adjacent properties.
- 13) All work is to be done in accordance with the endorsed plans.
- 14) All construction shall comply with State regulations.
- 15) The provision of this approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or control.
- 16) This approval shall lapse within two years from Plan endorsement unless substantial use or construction of the site has commenced. Substantial use or construction on the site will be determined by a majority of the Planning Board. If substantial use or construction has not commenced within two years, the Applicant shall petition the Planning Board for an extension of time.
- 17) Prior to the commencement of any construction activities the Applicant shall hold a pre-construction meeting with the Planning Department and other relevant Town departments. All contractors and subcontractors involved with site preparation/site construction activities shall attend this meeting. This approval with conditions shall be reviewed by all parties involved;

Modifications:

- 18) Any changes, revisions or modifications to the plans as approved herein shall require approval by the Planning Board.

Members present and voting in the affirmative

Woodlands @ Laurel Hill - Common Drive
Special Permit - PB05004-SP
Recreational Realty Trust, LLC
Durkee Lane

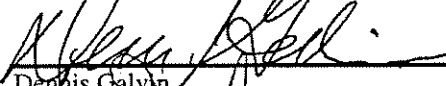


Michael Green, Chairman

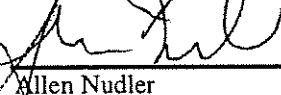


Andrea Peraner Sweet

Frederick Palmer

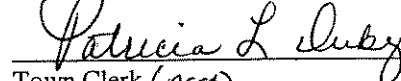


Dennis Galvin



Allen Nudler

Filed with the Town Clerk:



Town Clerk (Asst)

September 20, 2005

Date

Decision effective _____ unless appeal

The undersigned, being the Town Clerk of the Town of Westford, Massachusetts do hereby certify that twenty days have elapsed since the above referenced decision of the Planning Board was filed in the office of the Town Clerk and no appeal has been filed with the Town Clerk.

Town Clerk
